



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,993	06/25/2003	Nicholas Richard Maske	60,130-1578/02MRA0332	4768
26096	7590	04/14/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			JARRETT, RYAN A	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,993	Applicant(s) MASKE ET AL	
	Examiner Ryan A. Jarrett	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The claims are directed to a method that does not require computer-implementation or use of technology to accomplish. The claims allow for the

involvement of subjective human decision and therefore do not necessarily produce repeatable, concrete results.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9 and 16-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 recites, "wherein comparing data from the identifier with stored data further includes comparing an orientation of said substrate against said stored data".

Claim 16 recites, "reading the substrate to verify orientation or position of the substrate".

Claim 17 recites, "activating a system alert when the substrate is in the incorrect orientation or position".

Claims 18-21 depend from claim 16 and incorporate the same deficiencies, which are noted below.

It is not clear or enabling from the specification how the verification system actually verifies the correct orientation or position of the substrate. Paragraph [19] of

the specification discloses, "The identifiers 22, 38 also indicate the orientation of the substrates 24, 36 to the readers 20, 21". It is not clear or enabling how the identifiers indicate the orientation of the substrates to the readers, or the position of the substrates.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 13-15, and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "each substrate" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not require or explicitly recite multiple substrates.

Claim 13 recites the limitation "the verification system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the verification system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 depends from claim 14 and incorporates the same deficiency.

Claim 18 recites the limitation "stopping the wrap mechanism" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 16 and 17 do not recite that the wrap mechanism was ever started in the first place.

Claim 19 recites the limitation "the verification system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the verification system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 depends from claim 14 and incorporates the same deficiency.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al. US 6,769,281 in view of Mayfield US 2003/0000088. Irie et al. discloses:

1. A substrate verification system for converter substrates comprising: a wrap mechanism (e.g., col. 11 lines 41-57); a mat wrap (e.g., Fig. 1 #3); at least one substrate (e.g., Fig. 1 #2) on top of said mat wrap; a reader (e.g., col. 27 lines 44-62) for reading an identifier on said substrate (e.g., Fig. 1 TG); and a controller for comparing the identifier on said substrate to stored data (e.g., col. 27 line 63 – col. 28 line 60).

5. The verification system as recited in claim 1, wherein a computer is connected to said controller, said computer for input and storage of said stored data (e.g., col. 27 line 63 – col. 28 line 60).

Regarding claims 1 and 4, Irie et al. does not explicitly disclose a wrap mechanism with a wrap surface including a wrap roller to apply the map wrap to the at least one substrate. Irie et al. does disclose that it is preferable to use a "conventional wrapping manner". Irie et al. is just silent as to the specific kind of wrapping mechanism

that is used. However, Mayfield discloses an apparatus for manufacturing a catalytic converter comprising a wrap mechanism that includes a wrap roller to apply a map wrap to at least one substrate (e.g., [0011]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Irie et al. with Mayfield since Mayfield discloses that a wrap mechanism that includes rollers serves to radially compress the mat wrap and the substrate such that a required minimum pressure can be obtained between the mat wrap and the substrate (e.g., [0004]).

Regarding claim 3, Irie et al. as modified by Mayfield does not explicitly disclose that said identifier is a barcode and said reader is a barcode scanner. Irie et al. as modified by Mayfield uses an IC tag and accompanying reader (e.g., col. 27 lines 44-62 of Irie et al.). However, a bar code tag is functionally equivalent to an IC tag (although somewhat more primitive) and is an obvious variation of the IC tag employed by Irie et al. in view of Mayfield. Additionally, it is well known to use bar code tags on catalytic converter substrates. One would have been motivate to use a bar code tag instead of an IC tag in the system of Irie et al. as modified by Mayfield since it is less costly to implement.

Regarding claims 6 and 7, Irie et al. as modified by Mayfield does not explicitly disclose that a printer is attached to the verification system to create a converter label using information from said computer; wherein said information includes data from said

identifier, data stored on said computer, and data generated by said computer. However, Irie et al. as modified by Mayfield discloses that the finished product (catalytic converter) may be delivered in a state with an IC tag fixed to the product (e.g., col. 28 lines 49-51 of Irie et al.). A printed label is functionally equivalent to an IC tag (although somewhat more primitive) and is an obvious variation of the IC tag employed by Irie et al. in view of Mayfield. One would have been motivated to use a printed label instead of an IC tag in the system of Irie et al. as modified by Mayfield since it is less costly to implement.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al. as modified by Mayfield as applied to claim 1 above, and further in view of Wirth et al. Irie et al. as modified by Mayfield does not explicitly disclose multiple readers for multiple substrates. However, Wirth discloses wrapping multiple substrates in a single mat wrap (e.g., col. 5 lines 18-25). Wirth also discloses a bar code reader for reading a bar code attached to the substrates (e.g., col. 4 lines 18-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Irie et al. in view of Mayfield with Wirth since Wirth teaches wrapping multiple substrates in a single mat wrap. And it is considered obvious to duplicate parts for a multiple effect. In this case, one would have been motivated to use multiple readers so that the substrates' identifications of Irie et al. as modified by Mayfield and Wirth et al. could be read at the same time, preventing the substrates from having to be moved in order to be in proximity to a single reader.

11. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

12. As best understood, claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al. US 6,769,281 in view of Mayfield US 2003/0000088.

Regarding claims 8-10, 15, 16, and 21, Irie et al. in view of Mayfield disclose most all the features of these claims as discussed above in regards to claim 1 and 3-7. Regarding these claims, Irie et al. in view of Mayfield further disclose comparing an orientation or position of said substrate against stored data (e.g., col. 28 lines 53-59 of Irie et al.: *"preventing the erroneous assembling, tracing the physical distribution"*) and comparing a substrate part number against said stored data (e.g., col. 28 lines 5-7 of Irie et al.: *"the sizing process is made in accordance with the information of ID and working conditions written on the IC tag"*).

Regarding claims 11-14 and 17-20, Irie et al. in view of Mayfield does not *explicitly* disclose activating an alert when the identifier data does not match the stored data, and stopping and starting the system based on the alert. However, Irie et al. in view of Mayfield does disclose that the IC tag can be used to **prevent erroneous assembling**, trace the physical distribution, and **investigate problems on the**

processes and improve them (e.g., col. 28 lines 53-59 of Irie et al.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Irie et al. in view of Mayfield to activate an alert so that an operator can be made aware that the problem needs to be investigated and improved, as taught by Irie et al. in view of Mayfield. It is well known in the art to use alerts or alarms when problems occur. Irie et al. in view of Mayfield disclose problem detection and investigation, but just do not explicitly disclose an activating an "alert". And since Irie et al. in view of Mayfield disclose that the problems are investigated and improved, it would have been obvious to one having ordinary skill in the art to stop the process of Irie et al. in view of Mayfield while investigating the problem to prevent any further erroneous assembling from occurring, as taught by Irie et al. in view of Mayfield.

Conclusion

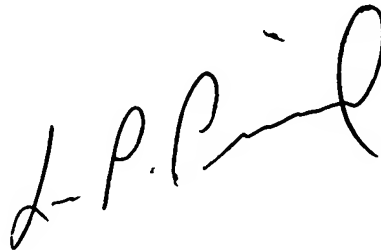
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

4/7/05

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100